

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Broadcast Localism)	MB Docket 04-233
)	

To: The Commission

COMMENTS OF CHERRY CREEK RADIO LLC

Cherry Creek Radio LLC ("CCR"), by its attorneys, hereby submits these comments in response to the Commission's Notice of Proposed Rulemaking, FCC-07-218, released January 24, 2008 ("NPRM") in the above-captioned rulemaking proceeding. CCR, through subsidiaries, owns 65 stations in sixteen markets. Many of CCR's stations are in small markets, such as Williston, North Dakota; La Junta, Colorado; and Stephenville, Texas. In each market CCR owns a number of stations, and in most of the markets CCR owns stations in more than one community of license that operate out of a common main studio/office that complies with the current main studio and unattended station operation rules.

In the NPRM, the Commission proposes to reinstate the pre-1987 requirement that each station's main studio be located within its community of license. CCR opposes the Commission's proposed change in the main studio rule and submits that: (1) costs associated with complying with this rule, including real world costs of physically relocating CCR's main studios, would adversely impact CCR's ability to offer local programming and other programming demanded by CCR's listeners and to perform other station activities; and (2) restrictions on main studio location would not lead to greater interaction with the stations' local

audience. The Commission also proposes to require that licensees have persons on duty at each radio broadcasting facility during all hours of operation. CCR opposes this proposal and submits that: (1) a requirement that all operations be attended does not necessarily increase the likelihood that each broadcaster will be capable of relaying life-saving information to the public; and (2) there are alternative means to increase a broadcaster's ability to determine and serve local needs without requiring that station personnel be present at all times.

I. Main Studio Rule

1. Costs Associated with Relocating Each Station's Main Studio to be Within its Community of License Would Have an Adverse Impact on CCR's Ability to Offer Local Programming.

The Commission must reject the proposal that would require broadcasters to relocate their main studios within each station's community of license. The Commission acted in the public interest in 1987 when it adopted the rule to permit stations greater flexibility in selecting the location of their main studios, particularly in situations in which a broadcaster operates stations licensed to several nearby communities. Fewer than half of CCR's stations have main studios physically located in the station's communities of license. If the Commission were to force each station to have its main studio in its community of license, it would be devastating to broadcasters such as CCR which have facilities that house clusters of stations licensed to multiple communities. The result would be that broadcasters would have to divert their limited financial resources from supporting and enhancing quality programming to covering additional and unnecessary real estate costs.

2. Relocating Each Station's Main Studio to be Within its Community of License Would Not Lead to Greater Interaction with the Community of Service.

The current main studio rule recognizes that the area a station serves is defined by that station's city-grade signal contour. The rule allows for stations to locate studios in population centers. In addition to costing broadcasters millions of dollars to relocate studio facilities, the Commission's proposed rule change would also be a hardship for the majority of stations' listeners. Locating main studios in population centers makes it easier for listeners to interact with radio stations. Locating stations in sometimes remote, far-flung communities will reduce the contact most listeners have with a particular radio station.

For example, one of the CCR's station clusters is the Tri Cities, Washington market. CCR owns stations KONA(AM) and KONA-FM, Kennewick, WA, and KZHR(FM), Dayton, WA. The Commission's proposal to re-institute the pre-1987 main studio rule would mean that CCR would no longer be able to operate from its main studio located in Pasco but would have to construct and maintain studio/office facilities in Kennewick and Dayton. The expenses for such additional facilities will adversely impact CCR's ability to offer local programming, while the contact most listeners have with the stations will not necessarily be increased by relocating studio facilities to Kennewick and Dayton.

II. Unattended Station Operation

1. Requirement for All Station Facilities to Maintain Personnel 24/7 Will Not Increase Likelihood that Stations Will Better Serve Local Needs.

The Commission should reject the proposal to require that all licensees have staff at each broadcast station during all hours of operation, because such a rule would not necessarily lead to stations better serving local needs. In the event of severe weather or a local emergency, CCR station clusters have a rotating schedule of On Call management during periods of unattended

station operation. The On Call person or persons will monitor local, state, and national news and weather conditions. In the case of an emergency or severe weather conditions, the On Call person would then notify other key station personnel of the situation. Personnel would meet at the station and go live on air with the emergency information. Simply requiring someone to be present at each of the radio facilities will not increase the likelihood that stations are better able to provide information of a local nature to the community of license.

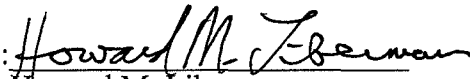
2. There are Alternative Means to Increase Stations' Ability to Respond to Local Needs.

Stations have alternative means to ensure that local needs are met and critical life-saving information can be relayed to the public. CCR has in place a procedure for responding to and alerting the public in the event of emergencies. As stated above, during unattended station operation, CCR markets have a rotating schedule of On Call management and air staff that monitor local, state, and national news and weather conditions. In the event the Emergency Alert System is activated, the automation systems are configured to interrupt normal programming with the emergency announcement. The On Call personnel can also contact the Operations Manager, and the Operations Manager has the ability to get emergency information on the air live, regardless of his physical location. In addition to the internal monitoring of news and weather conditions, the police, fire, and other local and state emergency services also have the home and cell phone numbers of CCR's general managers, operations managers, program directors, and news directors. Staff member notified by emergency services would alert other station management and air staff of the emergency, which would allow stations to go on air with the emergency information to the public in a timely manner.

CCR requests that the Commission reject the proposal to re-institute the pre-1987 requirement that main studios be located within a station's community of license and the proposal to require stations to maintain staff on duty during at all hours of operation.

Respectfully submitted,

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April 28, 2008